

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Ishikawa et al.

Application No.: **10/613,990**

Filing Date: July 8, 2003

For: METHOD FOR PRODUCING A  
TARGET SUBSTANCE BY  
FERMENTATION

Art Unit: 1636

Examiner: Nancy T. VOGEL

Attorney Ref. No.: US-1520

**VIA EFS-WEB**

**AMENDMENT AND RESPONSE UNDER 37 C.F.R. §§1.111 and 1.116**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated December 1, 2005, which set a 3-month shortened statutory period for response thereto, please amend the above-captioned patent application as follows. Applicants respectfully request entry as the amendments to the claims present no new issues, nor so they require any further search or consideration by the Examiner.

Applicants further request clarification of the status of claim 10. This claim was restricted in the office action of November 17, 2004, and was not elected in applicant's response of December 1, 2004. In each subsequent office action, the Examiner has indicated claim 10 as being examined and rejected. The amendment presented below cancels the product aspect of claims 1-9 without prejudice, and changes these claims to method claims by amending them to depend from claim 10. Applicants respectfully request full consideration of this amendment since claim 10 has been fully examined and considered throughout prosecution, which amounts to a *de facto* withdrawal of the restriction requirement with respect to claim 10.

**IN THE CLAIMS:**

*Kindly rewrite Claims 1-10 as follows, in accordance with 37 C.F.R. § 1.121:*